

Notice of Allowability

Application No.

10/748,923

Examiner

Karen E. Toth

Applicant(s)

ANTONELLI ET AL.

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response to arguments filed 5 July 2006.
2. ☒ The allowed claim(s) is/are 1,2,4-13 and 15-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

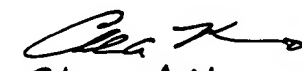
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Charles A. Marmor, II
SPE, Art Unit 3735

DETAILED ACTION

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jean-Paul Nasser on 8 August 2006.

In claim 1, lines 8-10, "interferometer capable of employing interferometer techniques capable of detecting said reflected laser beam and determining" was changed to --interferometer that employs interferometer techniques to detect said reflected laser beam and determine--.

In claim 2, line 2, "said detector capable of" was changed to --said detector for--.

In claim 5, lines 1-2, "processor is capable of producing" was changed to --processor produces--.

In claim 8, lines 1-2, "said processor is capable of analyzing" was changed to --said processor analyzes--.

In claim 9, lines 1-2, "said processor is capable of analyzing" was changed to --said processor analyzes--.

In claim 10, lines 1-2, "said processor is capable of comparing" was changed to --said processor compares--.

All changes were made to clarify that the processor actually performs the processing steps involved, and is not merely capable of doing so.

Response to Arguments

2. Applicant's arguments, see applicant's response, filed 5 July 2006, with respect to claims 1-2, 4-13, and 15-20 have been fully considered and are persuasive. The rejection of claims 1-2, 4-13, and 15-20 has been withdrawn.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to anticipate or make obvious the structure of claims 1-2 and 4-10, including, *inter-alia*, an apparatus comprising a laser interferometer detector and associated techniques to determine the velocity of skin surface movement.

The prior art of record fails to anticipate or make obvious the method of claims 11-13 and 15-20, including, *inter-alia*, using a laser interferometer and associated techniques to measure the movement of a skin surface.

Khair (US Patent 6533729) discloses a method and apparatus for measuring a patient's blood pressure comprising directing a laser source at the patient's skin and using the reflected laser beam to monitor the movement of the skin's surface in order to measure the patient's systolic and diastolic blood pressure. Khair does not disclose the use of a laser interferometer or laser interferometer techniques.

Art Unit: 3735

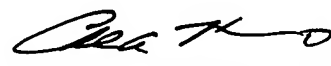
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen E. Toth whose telephone number is 571-272-6824. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles A. Marmor, II
SPE, Art Unit 3735

Application/Control Number: 10/748,923

Page 5

Art Unit: 3735

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